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Chairman: Mr. Ali. . . . . (Malaysia)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Ms. McLurg

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The meeting was called to order at 10.05 a.m.

Organization of work (A/C.5/62/L.27)

1. **The Chairman** invited the Committee to consider the proposed programme of work for the first part of the resumed sixty-second session. The proposed programme, which had been circulated informally, had been prepared on the basis of the note by the Secretariat on the status of preparedness of documentation (A/C.5/62/L.27).

2. **Mr. Hunte** (Antigua and Barbuda), speaking on behalf of the Group of 77 and China, said that the Group had noted the inclusion of the Secretary-General's report on the strengthening of the Department of Political Affairs (A/62/521) in the proposed programme of work. It hoped that the political aspects of the report would not delay the Committee's consideration of the administrative and budgetary aspects and was working with the Joint Coordinating Committee of the Group of 77 and China and the Non-Aligned Movement to prevent that from happening. The Group trusted that its concerns would be taken into account by the Secretary-General.

3. It was unfortunate that, once again, certain documents were unavailable or had been issued late. The Group hoped that the Bureau would continue to engage with the Secretariat to ensure that the remaining reports were issued on time.

4. **Ms. Simkić** (Slovenia), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Liechtenstein, Moldova and Ukraine, said that the European Union welcomed the briefings organized by the secretariat in the first days of the session, as they would save time in the subsequent formal and informal meetings.

5. The European Union was ready to carefully consider the items in the proposed programme of work, including the Secretary-General's proposals on strengthening the Secretariat, while taking into account budgetary constraints and cost-effectiveness. It attached particular importance to the budgets of certain special political missions and the consolidation of peacekeeping accounts.

6. The European Union regretted that certain reports had not yet been issued and stressed that the timely availability of reports was essential if the Committee was to perform its functions effectively and efficiently. Member States would spend less time asking questions and requesting clarifications if they were given the opportunity to read the reports properly and consult with their capitals and groups.

7. The European Union believed that the Committee's ability to take decisions would benefit if members were not obliged to meet outside regular working hours. It was confident that the Committee would be able to act on the reform issues of improving accountability, efficiency and effectiveness and complete its agenda by the end of the session without having to do so.

8. **Mr. Fermín** (Dominican Republic), speaking on behalf of the Rio Group, said that several issues required immediate attention, namely development entities, human resources management reform, procurement reform and the proposals to strengthen the Department of Political Affairs. Recalling the objectives enshrined in the Charter, namely to promote social progress and better standards of life, he called for a reform which would allow the Organization to fulfil its responsibility to development, in coordination with the funds, programmes and specialized agencies.

9. The Group recognized that there were organizational and resource constraints in certain areas of the Department of Political Affairs that had a negative impact on its capacity to carry out its functions. He hoped that the political comments in the Secretary-General's report on the strengthening of the Department (A/62/521) would not delay the Fifth Committee's consideration of that report and stressed that the Committee's mandate was to analyse the administrative and budgetary aspects. Maximizing synergies between the departments of the Secretariat, the specialized entities and the funds and programmes could contribute significantly to increasing efficiency.

10. With respect to human resources management, the Group reiterated the need to promote equitable geographical distribution, particularly in senior posts and the Professional category. It considered the equal treatment of staff essential and agreed with the Secretary-General's proposal to streamline contractual arrangements by establishing one set of Staff Rules.

Such an arrangement would also make the work of the Organization more efficient, simple and transparent.

11. Regarding procurement reform, the Group regretted that the comprehensive report requested in General Assembly resolution 61/246 was not yet ready. However, it expected that the reform would enable the establishment of a robust system for the implementation of proactive procurement reform, which would result in a procurement process that was cost-effective, inclusive, transparent and supported by a proper evaluation and compliance monitoring system.

12. Lastly, the Group recognized that the Peacebuilding Commission had the potential to achieve peace in countries emerging from conflict and supported the financing of field missions as an efficient tool for interaction with country-level stakeholders, as well as for assessment of peacebuilding priorities first-hand.

13. **Mr. Rashkow** (United States of America) recalled that the 2008-2009 biennium budget adopted in December 2007 had been recognized by all Member States as an "initial" appropriation, not a final budget. At the time the budget had been adopted, other Member States had echoed his delegation's concern regarding the piecemeal approach to the budget process. His delegation had expressed concern that the magnitude of the budget had not been adequately reflected and had emphasized that Member States must have the full budget before them in order to prioritize the different proposals competing for funding in an era of fiscal austerity. Lastly, his delegation had suggested that, when submitting proposals for new or expanded programmes involving substantial costs, the Secretary-General should be encouraged to identify efficiencies or savings that would offset the additional new costs. The Organization must recognize that unrestrained growth in the budget was unsustainable and that it must exercise discipline in the face of ever-increasing budgetary demands.

14. His Government commended the delegations that had worked hard to reduce the initial appropriation of $4.17 billion to a more manageable level. However, significant budget items had been deferred and the Secretariat had already identified potential add-ons that could place the overall biennium appropriation at $5.2 billion or higher. That was by far the largest regular budget request in the history of the Organization. The Fifth Committee must therefore find ways to improve fiscal discipline and deal with the potential unrestrained growth in the budget.

15. Lastly, his delegation shared the concerns regarding the late issuance of reports and reiterated that the timely availability of reports was vital to the work of the Committee.

16. **The Chairman** said he took it that the Committee wished to approve the proposed programme of work on the understanding that adjustments would be made. Where necessary, during the course of the session.

17. *It was so decided.*

18. **The Chairman** drew the Committee's attention to a new website service called Quick Fifth, which had been developed in response to the decision taken by the General Assembly in its resolution 62/236, whereby supplementary financial information being presented to the Advisory Committee on Administrative and Budgetary Questions, including, inter alia, detailed explanations of requirements by component and source of funds and by object of expenditure, should also be made available to Member States, including through the Fifth Committee website. Quick Fifth was a private, password-protected website that could be accessed by delegations using the same usernames and passwords assigned to Permanent Missions for e-Meets. All relevant, publicly available information, including the programme of work, would continue to be maintained on the Committee's main website. The Bureau would play an advisory and editorial role in collecting feedback from delegates and developing the content of the website.

Agenda item 134: Joint Inspection Unit (*continued*)
(A/62/34/Add.1)

19. **The Chairman** drew the Committee's attention to the decision of the General Assembly contained in its resolution 61/260 to consider jointly the annual report and programme of work of the Joint Inspection Unit at the first part of its resumed sessions and invited the Chairman of the Unit to introduce the relevant report.

20. **Mr. Fontaine Ortiz** (Chairman of the Joint Inspection Unit), introducing the report of the Joint Inspection Unit (JIU) for 2007 and programme of work for 2008 (A/62/34/Add.1), said that the Unit welcomed the decision of the General Assembly to bring forward

the consideration of the report of the Joint Inspection Unit from the regular session to the first part of the resumed session, as that would enable Member States to hold an early debate.

21. In 2007, JIU had published 12 reports, two notes and one management letter containing 140 concrete, action-oriented recommendations. For the year 2008, following the General Assembly invitation to JIU to duly take into account suggestions made by the participating organizations, 9 of the 12 reviews included in the programme of work approved by the Unit had been suggested by them. Two of the reviews had been mandated by Member States. However, the level of resources had led the Unit to set aside more than 20 valuable suggestions made by the participating organizations. In terms of coverage and also as a response to the General Assembly's directive contained in its resolution 62/226 of December 2007, nine planned reports were of a system-wide nature, against three single organization reports. The unprecedented proportion of system-wide reports demonstrated JIU's increased efficiency, as such reports required more time and comparative analysis.

22. In its resolution 50/233, the General Assembly had established that the impact of the Unit on the cost-effectiveness of activities within the United Nations system was a shared responsibility of the Member States, the Unit and the secretariats of the participating organizations. In its resolution 54/16, the General Assembly had elaborated on that principle by endorsing the system of follow-up to the reports of the Unit, a system which set out the different commitments of the three partners. The Unit had endeavoured to improve the quality of its reports and notes by making its recommendations specific, measurable, action-oriented, realistic and time-bound. While encouraged by the increased level of acceptance of its recommendations, the Unit was currently considering concrete measures to further improve their quality and continued to refine its tools for reporting on the acceptance and impact of its recommendations.

23. It was important to stress that the Unit was statutorily mandated only to make recommendations, without any enforcement authority. The Unit's effectiveness therefore depended heavily on the intervention and support of Member States and the collaboration of the participating organizations. Contrary to pertinent provisions of the approved follow-up system, a number of secretariats continued to recommend to their legislative organs to simply take note of the Unit's reports.

24. Over the course of the past 15 years, JIU had reviewed a number of processes and working methods in the light of successive resolutions. It was grateful that, during that period, Member States had expressed understanding and support for its efforts.

25. Despite an expanding scope, a steady increase in the financial and human resources of its participating organizations and the growing number of complex multi-agency operations and new peacekeeping operations, the Unit's level of resources had remained basically unchanged since its inception in 1968. In the context of restricted resources, the support of the Secretary-General and the Secretariat and the General Assembly's approval of the JIU budget constituted a landmark change.

26. In its budget requirement for the biennium 2008-2009, the Unit had requested the creation of two Professional posts against the abolition of two General Service posts, with a view to rationalizing the structure of its secretariat and increasing its evaluation and investigation capability. It extended its sincere appreciation to the General Assembly for its continuing support to the Unit, as expressed in its various resolutions, particularly resolutions 61/238 and 62/226.

27. The Unit reiterated its commitment to continue its internal reform process with a view to better equipping it with the tools and resources required to assist the legislative organs in their oversight functions. In addition to strengthening its investigation capacity through, inter alia, the recruitment of a professional investigator, it had decided to review its strategic planning for 2010-2011 and present to the General Assembly, through the Committee on Programme and Coordination, a more action-oriented framework for results-based management with concrete, verifiable indicators of achievement. It would also continue to promote more productive working relationships with the organizations and bodies of the United Nations system and the oversight bodies in particular.

28. **Mr. Hunte** (Antigua and Barbuda), speaking on behalf of the Group of 77 and China, recalled that JIU was the sole independent external oversight body of the United Nations system and welcomed the efforts of the Unit to reform its working methods, tools and procedures, in response to resolutions of the General Assembly. The Group particularly highlighted the new

harmonized report format. Also positive were the efforts of JIU to monitor acceptance and implementation of its recommendations, and to identify what action the participating organizations should take. In that connection, he urged participating organizations to provide information on the status of implementation of JIU recommendations.

29. The Group was pleased at the ongoing cooperation and coordination between JIU, the Office of Internal Oversight Services (OIOS) and the United Nations Board of Auditors. Having noted that JIU had drawn the attention of the General Assembly to difficulties and delays in obtaining visas for some of its personnel, the Group hoped that the recent improvement in the situation would continue and that the Unit would keep the General Assembly informed of developments in that regard.

30. **Mr. Spirin** (Russian Federation) said that, as improving the effectiveness of the work of JIU was essential, his delegation welcomed the efforts focused on the Unit's use of information and communication technology, such as the introduction of an electronic mail registration system (e-Registry) and the completion of the electronic Documentation and Information Centre and would like more details of the proposed investigation capability within the Unit. The daily functioning of the Organization and the ongoing reform process required the internal and external oversight bodies to act in harmony and to arrive at a division of labour in order to avoid duplication of effort. In that connection, the quarterly interim tripartite meetings between the Board of Auditors, OIOS and JIU held throughout 2007 were a positive step.

31. His delegation was concerned at the increasing lack of information on acceptance of JIU recommendations. While the situation was bad in the case of single-agency reports, in respect of which no information on acceptance was available for 18 per cent of recommendations in the current period, compared with 3 per cent of recommendations in the previous period, it was even worse in the case of system-wide or multi-agency reports, in respect of which no information was available for about 50 per cent of recommendations. Consequently, although JIU claimed a 16-point increase in the implementation of its recommendations between the previous reporting period and the current reporting period, the Unit, the bureaux of the legislative organs and the secretariats concerned should intensify their efforts.

32. While his delegation was pleased with what JIU had accomplished in 2007, JIU reports should be prepared and submitted sufficiently in advance of the scheduled discussion of the matters to which they related in the Fifth Committee, rather than arriving after such discussions had concluded. Moreover, it was unacceptable for the annual report and programme of work of JIU to have been distributed only a few days before the Committee began its work.

33. **Mr. Hillman** (United States of America) said that his delegation welcomed the progress made by previous JIU chairpersons in making the Unit a more effective oversight body, and hoped that the new Chairman would build upon those efforts. The changes made to the interaction between JIU and the Fifth Committee, including increased monitoring of the rates of acceptance and implementation of the Unit's recommendations; greater emphasis on system-wide reports; and reorganization of JIU's programme of work to permit both review of the Unit's accomplishments for the past year and timely consideration of its current proposed programme of work had been positive.

34. Commending the Unit's efforts in 2007, he encouraged an increased focus on preparing system-wide reports, in response to previous requests of the General Assembly. The inclusion in the Unit's annual report of statistics concerning specific rates of acceptance and implementation provided the Committee with a useful summary of which recommendations had already been implemented, and which had yet to be acted on. Believing that the implementation of recommendations was critical to the effectiveness of an oversight body, his delegation would like to know in further detail why implementation rates for the recommendations in single-agency and system-wide reports were 26 and 38 per cent respectively. While some implementation delays arose because the governing bodies of certain participating organizations met only infrequently, it was possible that other factors impeded prompt implementation of the recommendations. Recalling that the annual report of JIU indicated that 40 per cent of the individual reports issued in 2006 contained recommendations for action by the General Assembly, his delegation suggested that a summary list of those

recommendations should be provided for further consideration and discussion by the Committee.

35. His delegation strongly supported the Unit's emphasis on action-oriented recommendations aimed at improving effectiveness and efficiency, especially given the pressing need in an era of budget constraints to maximize the use of resources provided by Member States. For that reason, it was disappointed that JIU had not provided a quantitative assessment, comparable to that included by OIOS in its annual report, of the impact of its recommendations on improving effectiveness and efficiency throughout the United Nations system. He encouraged JIU to continue to cooperate and coordinate its activities closely with the United Nations Board of Auditors and OIOS to avoid duplication in the work of the principal oversight bodies, which should share experience, knowledge, best practices and lessons learned to maximize the value of their efforts in improving the work of the Organization.

36. His delegation had concerns about some of the reports figuring in the Unit's proposed programme of work for 2008, and would seek further details in informal consultations. In particular, it wondered how the planned reports on the preparedness of United Nations system organizations for the replacement of existing accounting systems with International Public Sector Accounting Standards (IPSAS), offshoring services, and information technology hosting in the United Nations system would affect efforts by the Secretariat and the Chief Executives Board for Coordination (CEB) already under way in those areas.

37. **Mr. Fontaine Ortiz** (Chairman of the Joint Inspection Unit), addressing the issues raised by the representative of the Russian Federation, indicated that JIU required a wide range of specialist capabilities to fulfil the investigation role described in its statute. Accordingly, it had announced, and hoped to fill rapidly, a vacancy for a professional investigator to improve those capabilities, and was finalizing policies and principles to govern two types of inspection. The first type of inspection would correspond to the role ascribed to the Unit in its statute and would address, for example, organizations' use of resources. The second type of inspection, using different procedures, would focus on individuals, and address matters such as mismanagement, abuse of authority and misconduct. Once the policies and principles were approved, the General Assembly would be informed of them in detail.

38. With regard to the issuance and availability of the JIU annual report, while individual JIU reports were completed on schedule, subsequent delays frequently occurred because the secretariats receiving those reports must then be given the opportunity to express their reactions. As an example, although the report on staff mobility in the United Nations (JIU/REP/2006/7) had been completed on time, it had taken a further five months or so to gather the Secretariat's comments and complete the translation and issuance of the report. Consequently, while the report had been highly topical in 2006, it had not been taken up by the General Assembly at that time. If, as he believed, the matter was to be considered at the main part of the sixty-third session of the Assembly, almost three years would have passed since its completion. The Unit aimed to be effective by making action-oriented, time-bound recommendations, but the follow-up to those recommendations was often beyond its control. JIU would provide a comparative table illustrating the problem in informal consultations.

39. With regard to the comments of the representatives of Antigua and Barbuda, the Russian Federation and the United States of America on the acceptance and implementation of JIU recommendations, he pointed out that the scheduled meetings of legislative bodies of participating organizations were sometimes infrequent. For that reason, JIU reports were sometimes not taken up by those bodies in the year in which they were issued. Perhaps the JIU annual report should take a longer-range view when indicating rates. For example, in the three-year period from 2004 to 2006, the Food and Agriculture Organization of the United Nations (FAO) had reported that 88 per cent of JIU recommendations had been implemented and 6 per cent were in the process of being implemented, bringing the total to 94 per cent. As a further example of the phenomenon, the United Nations Secretariat had informed JIU that, as many of its recommendations were addressed to the Member States, the Secretariat itself could not judge to what degree they had been accepted and implemented.

40. Turning to the absence of a quantitative assessment of the impact of JIU recommendations on improving effectiveness and efficiency queried by the United States representative, he emphasized that, while JIU could make recommendations to executive heads of participating organizations and to Member States, it could not in so doing guarantee such improvements. As

an example, arrangements proposed by JIU in its report entitled "A common payroll for United Nations system organizations" (A/60/582), with an estimated saving of $4 million, had not been approved, making it impossible to say what, if any, effect the JIU recommendations had produced.

41. The Unit was engaged in an internal review focusing on how to improve the effectiveness of its reports and recommendations, mainly by improving communication with the recipients regarding follow-up. He recalled that OIOS faced similar problems: while the savings generated as a result of the recommendations made in its audit reports were not difficult to evaluate, the savings generated as a result of the recommendations made in more methodological reports were very difficult to evaluate. Finally, while the General Assembly was routinely informed of JIU recommendations addressed specifically to it, JIU could certainly provide a summary of those recommendations.

Other matters

42. **Mr. Berti Oliva** (Cuba) said that his delegation was requesting the postponement of the informal consultations scheduled to follow the present formal meeting until it received information on the Secretary-General's recent appointment of Mr. Edward Luck as his Special Adviser. According to the Spokesperson of the Secretary-General and to the relevant press release, Mr. Luck was Special Adviser on the Responsibility to Protect. In that connection, he recalled that the Fifth Committee had considered, at its 23rd meeting, a report of the Secretary-General on estimates in respect of special political missions, good offices and other initiatives authorized by the General Assembly and/or the Security Council (A/62/512/Add.1), containing a proposal to establish a post, at the Assistant Secretary-General level, of Special Adviser on the Responsibility to Protect. The Fifth Committee had not approved that proposal. His delegation had therefore not expected the Secretary-General to nominate, let alone appoint, an individual to a post in respect of which there was no consensus and for which there was no mandate. By the following day, and at a formal meeting of the Committee, the Secretariat should explain, orally and in writing, the reasons, mandate and resources underpinning the appointment concerned.

43. **Mr. Abdelmannan** (Sudan) said that at the current session the Committee had approved the proposal to upgrade the post of the Special Representative on the Prevention of Genocide and Mass Atrocities to the Under-Secretary-General level but had not approved the appointment of the Special Adviser on the Responsibility to Protect. Nevertheless, the Secretary-General had appointed a Special Adviser on the Responsibility to Protect — without the prior consent of Member States and without any allocation of resources. That appointment reflected a new trend of bypassing the Assembly's legislative mandate; in effect the Secretariat was in breach of the prerogatives of the Assembly. His delegation supported the request made by the representative of Cuba for the Secretariat to provide oral and written clarification of the appointment at a formal meeting of the Committee.

44. **Mr. Afifi** (Egypt) said that his delegation supported the requests made by the representatives of Cuba and the Sudan and looked forward to clarification from the Secretariat. General Assembly mandates were binding; the Secretariat should implement General Assembly resolutions rather than take decisions itself. The Secretariat could not claim that it had acted on the basis of consultations with Member States — rules and procedures must be respected.

45. **Mr. Muhith** (Bangladesh) said that his delegation supported the statement made by the representative of Cuba and had serious concerns about the procedure followed and the failure to respect the Assembly's prerogatives. The holding of consultations did not obviate the need to follow rules and procedures. His delegation was not in favour of the appointment of the Special Adviser on the Responsibility to Protect.

46. **Mr. Safaei** (Islamic Republic of Iran) said that his delegation supported the statements made by the representatives of Cuba, the Sudan, Egypt and Bangladesh. It also requested clarification of the appointment of the Special Adviser on the Responsibility to Protect.

47. **Mr. Alouan Kanafani** (Bolivarian Republic of Venezuela) said that he supported the statements made by the previous speakers and was concerned that the Secretariat had appointed the Special Adviser on the Responsibility to Protect without the approval of the Assembly. His delegation had expressed strong reservations at the 23rd meeting of the Committee (A/C.5/62/SR.23, para. 29). It looked forward to receiving oral and written clarification from the Secretariat.

48. **Ms. Simkić** (Slovenia) said that the Committee should follow the programme of work and focus on agenda item 134 in informal consultations.

49. **Mr. Rosales Díaz** (Nicaragua) expressed his delegation's disappointment at the trend of not respecting the Assembly's legislative mandate. That was the key issue, not the merits or otherwise of the appointment. Neither the Committee nor the Assembly had approved the appointment of the Special Adviser on the Responsibility to Protect. His delegation supported the request made by the representative of Cuba that informal consultations should be postponed until the Secretariat had provided clarification.

The meeting was suspended at 11.35 a.m. and resumed at 12.05 p.m.

50. **The Chairman** said that a senior official would provide oral and written clarification to the Committee, as requested by the representative of Cuba, at its next meeting. The Committee should thus follow the programme of work and proceed with their formal consultations on JIU and with the briefings on the capital master plan and safety and security.

51. **Mr. Berti Oliva** (Cuba) said that his delegation had not intended to delay the Committee's work and was very interested in participating in the informal consultations on the Joint Inspection Unit. It did not want agenda item 134 to remain under consideration, but, rather, wanted the Secretariat to respond to its request. He looked forward to receiving a clear, concrete reply from the Secretariat that would provide the Committee with additional information.

52. **Mr. Rosales Díaz** (Nicaragua) reiterated his astonishment at the procedure followed by the Secretariat. It was disappointing that the Secretariat had not already briefed the Committee on the background to the appointment of the Special Adviser on the Responsibility to Protect. The Secretariat was at the service of Member States and was accountable to the Assembly; it was not a legislative body. Only the Assembly and the Committee could establish or abolish posts. He wondered whether the Secretariat's priorities corresponded with the wishes of Member States or whether it had its own set of priorities. His delegation would continue to raise the issue if it did not receive a satisfactory response. It should not be suggested that some delegations were attempting to delay the Committee's work; in fact, they were requesting that the wishes of Member States and the Assembly's legislative mandate should be requested.

The meeting rose at 12.15 p.m.